

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

**SAMSUNG RESPONSE TO HEADWATER’S SUPPLEMENTAL FACTS
REGARDING THE PARTIES’ MOTIONS ON STANDING (DKT. NO. 320)**

Samsung objects to Headwater's "Notice of Supplemental Facts" regarding standing (Dkt. 320) and submission of a deposition transcript from a different Headwater case because no one, including Headwater, gave Samsung notice of the deposition, and Samsung did not participate. This makes the deposition hearsay, and it would violate due process to use it here.

In addition, the deposition is not relevant. Headwater's notice merely quotes David Wise as testifying that he cannot *recall* Qualcomm's dispute with Headwater in 2009. And this is why, after careful consideration and the events of the -422 case, Samsung elected not to burden Mr. Wise with a subpoena after Headwater belatedly produced Mr. Wise's emails.

Dated: February 12, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

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/s/ John W. Thornburg
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